



Public Integrity Coalition - Model Ethics Code

Code of Ethics of the [municipality].

Section 1. Purpose.

This code of ethics establishes the ethical standards for elected officials and employees of [municipality].

Section 2. Definitions.

- (a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or body comprised of two or more elected officials or employees.
- (b) “Code” means this code of ethics.
- (c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. An elected official or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than X% of the organization’s outstanding stock.
- (d) “Municipality” means [municipality]. The word “municipal” refers to the municipality.
- (e) “Elected official or employee” means a paid or unpaid officer or employee of the [municipality], including, but not limited to, the members of any municipal board.
- (f) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of an elected official or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability.

This code of ethics applies to the elected officials and employees of the [municipality]. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics and all rules, regulations, policies and procedures of the [municipality].

Section 4. Board of Ethics.

- (a) The governing body of the municipality shall establish a board of ethics for the municipality. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be an elected official or employee of the municipality. The members of such board of ethics shall be appointed by the [insert name of municipal governing body], serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.
- (b) The board of ethics shall render advisory opinions to the officers and employees of the [insert name of municipality] with respect this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel by the municipality’s legal counsel. In addition, the board of ethics may make recommendations with

respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the [insert name of municipal governing body].

Section 5. Prohibition on use of municipal position for personal or private gain.

Elected official or employee shall not use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 6. Conflicts of Interest; Disclosure; Recusal and abstention.

(a) An elected official or employee may not participate in any decision or vote if the elected official or employee has knowledge that any of the following has a financial interest in the outcome of the matter:

- (1) the elected official or employee.
- (2) A member of the immediate family of the elected official or employee.
- (3) A business organization in which the elected official or employee is serving as an officer, a director, a trustee, a partner, or an employee.
- (4) Any person or organization with whom the elected official or employee is negotiating or has an arrangement concerning prospective employment.

(b) The elected official or employee shall disclose any such conflicts when the matter requiring disclosure first comes before the elected official or employee, or when the elected official or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the elected official, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

(d) In the event that this section prohibits an elected official or employee from exercising or performing a power or duty:

- (1) if the power or duty is vested in an elected official as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
- (2) if the power or duty that is vested in an elected official individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
- (3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 5), disclosure requirements and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

- (1) adoption of the municipality's annual budget;

- (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (i) all elected officials or employees;
 - (ii) all residents or taxpayers of the municipality or an area of the municipality; or
 - (iii) the general public; or
 - (3) any matter that does not require the exercise of discretion.
- (b) Recusal and abstention shall not be required with respect to any matter:
- (1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
 - (2) which comes before an elected official when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

- (a) Elected official or employee may not acquire the following investments:
- (1) investments that can be reasonably expected to require frequent recusal and abstention under section 6 of this code; or
 - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit an elected official or employee from acquiring any other investments or the following assets:
- (1) real property located within the municipality and used as his or her personal residence;
 - (2) less than XXX percent of the stock of a publicly traded corporation; or
 - (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

An elected official or employee, term in office or term of employment, may not engage in any private employment when the employment:

- (a) can be reasonably expected to require frequent recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as an elected official or employee; or
- (c) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment.

- (a) Elected official or employee may not ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the elected official or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No elected official or employee, at any time after serving as an elected official or employee, may represent or render services to a private person or organization in connection with any

particular transaction in which he or she personally and substantially participated while serving as an elected official or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting an elected official or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

- (a) An elected official shall not make use of municipal materials, funds, property, personnel, facilities or equipment for any purpose other than for official municipal business unless the use is expressly permitted by a general written municipal policy or regulation.
- (b) An elected official or employee shall not cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

- (a) Subject to subsection (b), no elected official or employee shall knowingly have a financial interest in a contract made by the municipality.
- (b) The prohibition in subsection (a) does not apply to:
 - (1) an elected official or employee who does not participate in or have official responsibility for any of the activities for approving contracting agency, if:
 - (i) the contract is made after public notice or, where applicable, through competitive bidding;
 - (ii) the elected official or employee files with the contracting municipal board a statement making full disclosure of all related financial interests in the contract; and
 - (iii) the contract can be performed without compromising the performance of the official duties and responsibilities of the elected official or employee; or
 - (2) an elected official or employee who, acting in good faith, learns of an actual or prospective violation of the prohibition in subsection (a), if, not later than thirty (30) days after learning of the actual or prospective violation, the elected official or employee:
 - (i) makes a full written disclosure of any financial interests to contracting municipal board; and
 - (ii) terminates or disposes of the financial interest.

Section 14. Nepotism.

- (a) No elected official or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- (b) No elected official or employee may supervise a relative in the performance of the relative's official powers or duties.
- (c) No elected official or employee, either individually or as a member of a board, may contract with or supervise the work of a business entity of which a relative is a partner, executive officer, or sole proprietor.

Section 15. Political Solicitations.

(a) An elected official or employee shall not engage in political activity including solicitation of political contributions from:

- (1) another employee or elected official; or
- (2) any other person;

when on duty or acting in an official capacity.

(b) This section does not prohibit an elected official or employee from engaging in such activity when not on duty.

(c) A elected official or employee shall not solicit political contributions at any time from:

- (1) persons whom the elected official or employee knows to have a business relationship with the elected official's or employee's office; or
- (2) employees directly supervised by the elected official or employee.

Section 16. Confidential Information.

An elected official or employee shall not divulge information of a confidential nature except as permitted by law.

Section 17. Gifts.

(a) No elected official or employee may directly or indirectly solicit any gift.

(b) No elected official or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of XXXXXXXX dollars or more when:

- (1) the gift reasonably appears to be intended to influence the official or employee in the exercise or performance of his or her official powers or duties;
- (2) the gift could reasonably be expected to influence the official or employee in the exercise or performance of his or her official powers or duties; or
- (3) the gift is intended as a reward for any official action on the part of the official or employee.

(c) This section does not prohibit any other gift, including:

- (1) gifts made to the municipality;
- (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as an elected official or employee, is the primary motivating factor for the gift;
- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as an elected official or employee, or other service to the community; or
- (6) meals and refreshments provided when an elected official or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Affirmative responsibility to report

Any elected official or employee of the municipality that has reasonable suspicion that another elected official or employee is violating this code of ethics or any applicable state or local law shall report the suspected conduct to governing body of the municipality and/or law enforcement officials.

Section 19. Posting and distribution.

- (a) A copy of this code, and a copy of any amendment to this code, shall be posted publicly and conspicuously in each building under the municipality's control. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) A copy of this code, including any amendments to the code, shall be distributed to every person who is or becomes an officer and employee of the [municipality].
- (c) Every elected official or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed clerk of the municipality who must maintain such acknowledgments as a public record.
- (d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of an elected official or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Enforcement.

Any elected official or employee who violates this code may be reprimanded, fined, suspended or removed from office or employment in the manner provided by law.